

REMARKS

Reconsideration and withdrawal of the rejection of all the claims now in the application (i.e., claims 1-16, 19, 20, 25-27) is respectfully requested in view of the foregoing amendments and the following remarks.

Initially, Applicants would like to thank the Examiner for his indication that claims 5, 6, 11, 12, 23 and 24 would be allowable if written in independent form. Applicants have rewritten claim 5 as new claim 25 and rewritten claim 6 as new claim 26 dependent from new claim 25. Applicants have added new claim 27 which is a combination of claims 1, 3, 9, 10 and 11. These claims are deemed to be in condition for allowance.

Applicants have rewritten claim 23 in independent form by combining claims 17, 18, 21, 22 and 23 with claim 15. Claim 15 as amended is therefore considered to be in allowable form.

The Examiner rejected claims 1, 3, 4, 7-10, 13-15 and 17-22 as being anticipated by Glock U.S. Patent No. 5,462,549. The Examiner considered that Glock disclosed a perimeter surface extending between the first and second surfaces or in the perimeter surfaces at least partially curved with respect to an axis in both a direction generally perpendicular thereto and generally parallel thereto. Applicants have amended claim 1 to clarify that the curve is at least along the medial and lateral sides of the block along a plane parallel to the planar bone contacting surface and also along a plane perpendicular to the bone contacting surface. These limitations are taught in paragraph [0025] and [0026] of the specification with paragraph [0031] indicating that similar curves along the anterior and posterior sides are optional. As can be seen from FIG. 1 of Glock reproduced on page 3 of the Office Action, anterior area 16 appears to have a curve in a plane parallel to the bone contacting surface. However, the cutting block body does not have a curve in a plane perpendicular to that surface. Clearly

medial and lateral sides 22 are planar and it appears from the figures of Glock that the edges 16 and 18 of the plate are not curved in a plane perpendicular to a bone contacting surface. It would appear that the same rotary cutting tool used to cut surface 22 is used to cut surfaces 16 and 18 which while curved in a plane parallel to the bone contacting surface are flat in a plane perpendicular to the bone contacting surface. If the Examiner believes that at least the medial and lateral sides of the plate of Glock block are curved in both a plane parallel to and a plane perpendicular to the bone contacting surface Applicants would request that he point out where such is taught in the Glock specification.

It is Applicants' position that claim 1 as amended distinguishes over Glock. Applicants note that claim 16 is now dependent from allowable amended claim 15 and therefore is deemed to be allowable.

As it is believed that all of the rejections set forth in the Official Action have been fully met, favorable reconsideration and allowance are earnestly solicited.

If, however, for any reason the Examiner does not believe that such action can be taken at this time, it is respectfully requested that he/she telephone applicant's attorney at (908) 654-5000 in order to overcome any additional objections which he might have.

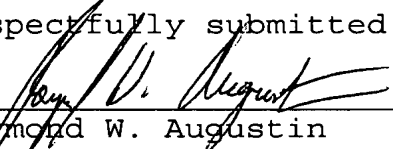
Application No.: 10/830,179

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If there are any additional charges in connection with this requested amendment, the Examiner is authorized to charge Deposit Account No. 12-1095 therefor.

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Respectfully submitted,

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